

**DIVISION OF ENVIRONMENTAL HEALTH
SOLID WASTE PROGRAM
610 UNIVERSITY AVENUE
FAIRBANKS, ALASKA 99709-3643**
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File Number: 150.15.003

April 4, 2000

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7099 3220 0001 7433 0046

Mr. Scott Stowell
Usibelli Coal Mine, Inc.
P.O. Box 1000
Healy, Alaska 99743

**Re: Usibelli Coal Mine Inert Waste Landfill, Solid Waste Disposal Permit 0031-BA002,
Renewal of Permit 9531-BA003**

Dear Mr. Stowell:

The Department of Environmental Conservation has completed its evaluation of your application for a renewal of a solid waste disposal permit for the operation of an inert waste monofill for construction and demolition debris, shop wastes, and coal ash, located at the Usibelli Coal Mine, and is issuing the enclosed permit in accordance with AS 46, 18 AAC 15, and 18 AAC 60.

Please review the conditions and stipulations in the permit and ensure they are all understood. This permit is effective upon issuance and expires March 15, 2005. The requirement of 18 AAC 60.210(d) has been waived.

Any person who disagrees with this decision may appeal the decision by requesting an adjudicatory hearing, using the procedures contained in 18 AAC 15.200-310. Hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Juneau Alaska 99801-1795, within 30 days of receipt of this letter. If a hearing is not requested within 30 days, the right to appeal is waived. Even if an adjudicatory hearing has been requested and granted, all permit conditions remain in full force and effect. Please also send a copy of the request to the undersigned.

Sincerely,

Nancy B. Sonafrank
Northern Solid waste Program Coordinator
for
Heather Stockard
Solid Waste Program Manager

SKM/mlg (EH/SW/FBKS – F:\EH\SW\2000\0031-BA002 Usibelli.doc)

Enclosure: Permit #0031-BA002

Cc w/encl: Mayor John Gonzales, Denali Borough
Al Ott, ADF&G/Fairbanks
Charlie Boddy, Usibelli Coal Mine, Inc.

Bruce Busby, ADNR/Anchorage
Robert Layne, ADNR/Fairbanks
Trustees for Alaska

Bcc w/encl: Kent Monroe, ADEC/Fairbanks

**ALASKA DEPARTMENT
OF
ENVIRONMENTAL CONSERVATION
NORTHERN REGIONAL OFFICE
610 UNIVERSITY AVENUE
FAIRBANKS, ALASKA 99709-3643**

SOLID WASTE DISPOSAL PERMIT

Permit 0031-BA002

Date: April 4, 2000

This Solid Waste Disposal Permit is issued to Usibelli Coal Mine, Inc. P.O. Box 1000, Healy, Alaska 99743, for the construction, operation, and maintenance of construction, demolition, shop waste, and coal ash landfill sites within the boundaries of the Poker Flats and Two Bull Ridge mining areas at Usibelli Coal Mine. Usibelli Coal Mine is located approximately 2 miles northeast of Healy, Alaska, in the Hoseanna Creek drainage. The inert waste landfill for construction, demolition, and shop waste is currently located in Section 4, T.12 S., R.7 W., Fairbanks Meridian. Coal ash will be landfilled in various locations throughout the Poker Flats mining area in Sections 3-5, T.12 S., R.7 W., Fairbanks Meridian, and the Two Bull Ridge mining area in Sections 32-35, T.11 S., R.7 W., Fairbanks Meridian. This permit is subject to the conditions and stipulations in the following Appendices:

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This permit is issued under the provisions of Alaska Statute 46.03, and the Alaska Administrative Code, as amended or revised, and other applicable state laws and regulations.

This permit is effective upon issuance and expires March 15, 2005. It may be terminated or modified in accordance with AS 46.03.120.

Nancy B. Sonafrank
Northern Solid waste Program Coordinator
for:
Heather Stockard
Solid Waste Program Manager

APPENDIX A - SITE DEVELOPMENT

I. SITE PREPARATION

The permit holder shall:

- A. Comply with the designs and plans in the application dated February 17, 2000, which includes the following document: Solid Waste Disposal Plan, Usibelli Coal Mine, Inc., dated February 17, 2000. Additional modifications may be requested by the permittee, but must be authorized by a permit amendment, before that modification is effective.
- B. Ensure that all operations will accommodate the waste volume and are done in a manner that will facilitate close out when the landfill is closed.
- C. Erect and maintain suitable barriers to control any blowing waste as needed.
- D. Erect and maintain a readily visible sign at the active construction, demolition, and shop inert waste cell directing users to the active dumping point. Pertinent rules for landfill use and contact information should be posted or provided to all employees.
- E. Ensure that surface water runoff from outside the facility does not flow onto the facility and over, into, or through uncovered or covered solid wastes by constructing and maintaining diversion structures such as ditches or berms.
- F. Ensure wildlife and domestic animals are not allowed access to the waste deposited at the facility and that the site be maintained to prevent being an attraction to them. Erect and maintain suitable devices as necessary to keep scavenging animals out of the site.

APPENDIX B - SITE OPERATIONS

I. GENERAL OPERATING PROCEDURES

The permit holder shall:

- A. Ensure that only construction/demolition waste, tires, and shop waste such as paper, cardboard, and equipment parts are disposed of at the designated inert waste cell.
- B. Ensure that only bottom ash and fly ash from the Healy GVEA coal power plant and the AIDEA Healy Clean Coal Plant (HCCP) are disposed of in various cells throughout the Poker Flats and Two Bull Ridge mine areas in conformance with the reclamation requirements of Usibelli Coal Mine's approved surface mining permit.
- C. Ensure that all non-salvageable drums are empty of fluids prior to crushing and burying. Remove all fluids from drums prior to disposal and properly dispose of in accordance with all applicable State and Federal laws, including but not limited to, RCRA, the Clean Water Act, the Clean Air Act, Title 46 of Alaska Statutes, and 18 AAC 60. Ensure that all large containers (e.g., cleaned drums and tanks) are crushed and flattened to prevent voids in the fill.
- D. Ensure oil filters are gravity hot-drained¹ prior to disposal using one of the following methods:
 - 1. Puncturing the filter anti-drain back valve or the filter dome end and hot draining;
 - 2. Hot-draining and crushing;
 - 3. Dismantling and hot-draining; or
 - 4. Any other equivalent hot-draining method that will remove used oil.
- E. Ensure that all machinery and vehicle parts have been drained of fluids and petroleum products prior to burying. Collected fluids will be disposed of using appropriate methods.
- F. Ensure that the handling and transportation of coal ash, and placement of cover is managed in a manner to prevent air quality violations for fugitive dust emissions under 18 AAC 50, State of Alaska Air Quality Regulations.

¹ Hot-drained means that the oil filter is drained near engine operating temperature and above room temperature (i.e., 60 degrees Fahrenheit). Draining must occur for a minimum 12-hour time period and no free liquids shall remain when the filter is turned plate down.

I. GENERAL OPERATING PROCEDURES (cont.)

- G. Institute vector control measures as necessary (for flies, rodents, etc.) to ensure such organisms do not become a nuisance or hazard to health.
- H. Ensure that vehicles/contractors using the solid waste disposal facilities arrive with secured loads in order to reduce litter problems.
- I. Conduct random load inspections for incoming loads to ensure they do not contain regulated hazardous waste, PCB waste, or unpermitted putrescible waste. Maintain records of all random inspections conducted and provide them to the Department upon request.

II. BURIAL

The permit holder shall:

- A. Consolidate and compact all loose C&D and shop wastes and cover all wastes monthly with a minimum of six inches of compacted cover material. Cover may be required more often to control windblown waste.
- B. Maintain a minimum separation of 50 feet between the designated portion of the landfill and the boundary of the facility.
- C. Ensure that the maximum inert waste cell working face width shall not exceed 30 feet, and the maximum height of the working face shall not exceed 20 feet.
- D. Ensure that solid wastes are not placed in surface waters and that a minimum separation of ten feet is maintained between the existing or expected high groundwater table and the bottom of the fill area.
- E. Ensure that an intermediate cover of at least 12 inches is applied within 7 days after the last waste is deposited in the C&D/shop waste cell. A minimum of five feet of sandstone cover will be placed over the entire cell within 90 days after the last waste is deposited.
- F. Ensure that covered areas and drainage control structures are graded in the completed landfill areas so as to promote surface water runoff without erosion, and to minimize the amount of water entering into the solid waste.

III. BURNING

The permit holder shall:

- A. Prohibit open burning on the working face and within the permitted landfill area. Immediately extinguish all fires that accidentally occur at the facility.
- B. Notify the Department of Environmental Conservation, Northern Regional Office, at 451-2108 within 24-hours of a fire, if any fires occur on the working face.

IV. ACCESS

The permit holder shall:

- A. The permittee shall construct and maintain onsite roads as necessary to assure adequate traffic control. Adequate traffic control means that the site supervisor will maintain positive control of all persons who are within the landfill boundaries and that refuse will be deposited in approved locations. Dumping in unauthorized areas violates conditions of this permit and Alaska Administrative Codes.

V. LITTER

The permit holder shall:

- A. Collect all windblown and littered refuse from the disposal site and along access roads at least quarterly and return it to the active disposal cell for burial. All littered wastes on lands within 500 feet of the site, whether windblown or dumped, shall be collected and disposed at a frequency necessary to prevent litter from becoming an aesthetic nuisance.

VI. PROHIBITIONS AND SPECIAL RESTRICTIONS

The permit holder shall:

- A. Prohibit the disposal of unpermitted putrescible wastes at the landfill.
- B. Prohibit discharge of firearms at the solid waste disposal facilities.
- C. Prohibit disposal of hazardous wastes, as defined in 40 CFR 261.3, oily wastes, waste oil, greases, paints, sludges, and chemical wastes at this facility.
- D. Prohibit the disposal of coal ash that exhibits any of the characteristics of toxicity as determined through the EPA Toxic Characteristic Leaching Procedure (TCLP) test.

VI. PROHIBITIONS AND SPECIAL RESTRICTIONS (cont.)

- E. Prohibit disposal of lead-acid vehicle batteries at the landfill site.
- F. Prohibit disposal of regulated asbestos containing materials at this site.
- G. Prohibit scavenging at the site.

VII. RESOURCE CONSERVATION AND RECOVERY

The permit holder shall:

- A. Establish separate recyclable goods areas for items such as scrap metals and vehicle batteries. Recyclable goods shall be stored in a safe and sanitary way that prevents a litter violation under AS 46.06.080 and prevents a health hazard.

APPENDIX C - MONITORING AND REPORTING

I. GENERAL MONITORING REQUIREMENTS

The permit holder shall:

- A. Visually monitor the site monthly for signs of damage or potential damage from settlement, ponding, leakage, erosion, or operations and record the results of the inspections. Retain the results of visual monitoring in the operating record for the facility and make them available for Department review upon request.
- B. Maintain a set of site development and use plans for the active inert waste disposal cell and submit an updated copy to the Department showing current status on or before the permit anniversary date each year.
- C. Provide the Department TCLP (Toxicity Characteristic Leaching Procedure) test results for the coal ash in the event process, coal ash source, or supplementary fuel source changes occur at the power plants. Results of the most recent test results will be provided to the Department upon each request for permit renewal.
- D. Maintain an inventory of coal ash deposited in the mine areas. The inventory shall be recorded in the operating record and made available for Department review upon request.

II. WATER MONITORING REQUIREMENTS

The permit holder shall:

- A. Comply with all surface water, groundwater, and sediment monitoring requirements as stipulated in Permit # 01-83-796 issued by the Alaska Department of Natural Resources, Division of Mining. The Department shall be granted access to all sampling results, as well as a description of sampling procedures, quality assurance, and quality control reports upon request.
- B. Dependent upon results found during monitoring, the Department may require additional monitoring wells, surface, and sediment sampling.

APPENDIX D - SITE CLOSURE

I. CLOSURE AND POST-CLOSURE REQUIREMENTS

The permit holder shall:

A. Intermediate closure of inert waste cells

1. Ensure that closed inert waste cells are covered with a minimum of 5 feet of fill material within 90 days of the last waste deposition in the cell.
2. Ensure that the closed cells are graded to promote surface water runoff, to prevent ponding and erosion, and to minimize the amount of water entering the solid waste.
3. Notify the Department upon closure of an inert waste cell, and inform the Department of the location of any new inert waste cell within the permit area and when the cell began receiving waste. The annual site plan update will reflect changes in cell locations.
4. Visually monitor each intermediately closed inert waste cell for the first five years after closure, or until additional fill is placed over the cell as part of the approved reclamation plan. The closed cells should be monitored for signs of damage or potential damage from settlement and erosion.
5. Submit a report to the Department at the end of the post-closure period for each inert waste cell, that contains
 - a. photographs of each inert waste cell after intermediate closure; and
 - b. a description of any problems detected and corrective actions taken during post-closure visual monitoring.

B. Closure (final)

1. Notify the Department's Fairbanks Office at least 60 days before the site is to be permanently closed and equipment removed from the site.
2. Ensure that site closure and reclamation will be conducted in accordance with the Operation and Reclamation Plan submitted as part of the Surface Mining Permit #01-83-796 issued by the Alaska Department of Natural Resources, Division of Mining.
3. Prepare and submit to the Department, within 60 days of closure of the facility, a survey as-built or record drawing which shows the location, type, and volume of waste deposited at the facility.

I. CLOSURE AND POST-CLOSURE REQUIREMENTS (cont.)

4. Within 60 days after the entire facility has been permanently closed to landfilling, file the survey as-built or record drawings of the area used as a landfill with the appropriate land records office, along with a notation informing future property owners that
 - a. the property was used as a landfill;
 - b. the types of wastes placed at the landfill;
 - c. the geographical boundaries of the landfill; and
 - d. details of any final cover, cap or other structures installed as part of closure.Submit proof of such recording to the Department.

II. PROOF OF FINANCIAL RESPONSIBILITY FOR CLOSURE

The permit holder shall:

- A. Ensure the financial responsibility provided for in Surface Mining Permit # 01-83-796 applies to the activities performed in this permit.

APPENDIX E - REMEDIAL ACTIONS

I. SOLID WASTE MANAGEMENT VIOLATIONS

If wastes are disposed in violation of the stipulations of this permit, the permit holder shall:

- A. Remove and properly dispose of unacceptable wastes using cleanup plan approved by the Department.

APPENDIX F - GENERAL PERMIT CONDITIONS

I. ACCESS AND INSPECTION

The permittee shall allow the Commissioner or her/his representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

II. INFORMATION ACCESS

Except for information relating to confidential processes or methods of manufacture, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska Department of Environmental Conservation, Fairbanks Office, 610 University Avenue, Fairbanks, Alaska 99709-3643.

III. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control including, but not limited to, accidents, equipment breakdowns, or labor disputes.

IV. AVAILABILITY

The permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

V. ADVERSE IMPACT

The permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the noncomplying activity. The permittee shall cleanup and restore all areas adversely impacted by the noncompliance.

VI. CULTURAL OR PALEONTOLOGICAL RESOURCES

Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907- 269-8721).

VII. APPLICATIONS FOR RENEWAL

In accordance with 18 AAC 15.100(d), applications for renewal or amendment of this permit must be made no later than 30 days before the expiration date of the permit or the planned effective date of the amendment.

VIII. OTHER LEGAL OBLIGATIONS

The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued or may issue to the permittee. This permit does not relieve the permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the permittee pursuant to the terms of this permit and all plans implemented by the permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.

IX. TRANSFER OF OWNERSHIP

In the event of any change in control or ownership of the permitted facility, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the ADEC Solid Waste Program. The original permittee remains responsible for permit compliance unless and until the succeeding owner or controller agrees in writing to assume such responsibility, and the Department approves assignment of the permit. The Department will not unreasonably withhold such approval.

No transfer of this permit shall relieve the permittee of any liability arising out of operations conducted prior to such transfer, regardless of whether such liability accrues before or after such transfer.

X. POLLUTION PREVENTION

In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the permittee shall consider the following order of priority options: waste source reduction; recycling of waste; waste treatment; and waste disposal.